

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

BOBBY J. PENWELL,

Petitioner,

v.

**WARDEN, CHILLICOTHE
CORRECTIONAL INSTITUTION,**

Respondent.

CASE NO. 2:18-CV-1237

JUDGE GEORGE C. SMITH

Magistrate Judge Kimberly A. Jolson

ORDER

On April 9, 2019, the Magistrate Judge issued a Report and Recommendation recommending that the petition for a writ of habeas corpus be denied and that this action be dismissed. (ECF No. 11). Although the parties were advised of the right to file objections to the Magistrate Judge's Report and Recommendation, and of the consequences of failing to do so, no objections have been filed.

The Report and Recommendation (ECF No. 11) is **ADOPTED** and **AFFIRMED**. The petition for a writ of habeas corpus is hereby **DISMISSED**.

Petitioner has waived his right to appeal by failing to file objections. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). Therefore, the Court **DECLINES** to issue a certificate of appealability.

IT IS SO ORDERED.

/s/ George C. Smith

**GEORGE C. SMITH, JUDGE
UNITED STATES DISTRICT COURT**